

## **REMARKS/ARGUMENTS**

### **Drawing Objections**

The Examiner has objected to the drawings under 37 CFR 1.83(a), since it is alleged that the drawings do not show every feature of the invention specified in the claims. More specifically, Examiner noted that claim 2, line 2 describes a “reflector for directing light” which is not, as stated by the Examiner, shown in the drawings. Applicant respectfully traverses this objection and directs Examiner’s attention to Figure 18 of the application. Figure 18 depicts a mirror assembly 410 that has an adjustable approach light assembly 422. Part of the approach light assembly 422 includes a **reflector 430**. See specification page 14-15, lines 31-6. The specification states that “[r]eflector 430 supports a light source 436, such as an incandescent bulb or light emitting diode (LED). Light from light source 436 reflects off reflector and is projected generally outwardly away from the vehicle...” Specification at page 15, lines 7-10. The aforementioned quote from the specification clearly establishes that the reflector element labeled at 430 in drawings depicted in Figure 18 does provide adequate support for the “reflector for directing light” as described claim 2, line 2. As such, applicant respectfully requests that Examiner remove the objection to the drawings since no drawing correction is needed.

### **Specification Objections**

Examiner has also objected to the specification stating that it does not have support for a “reflector for directing light” as described in claim 2, line 2. Applicant respectfully requests that Examiner remove this objection since the detailed description section describes a “reflector 430 supports a light source 436, such as an incandescent

bulb or light emitting diode (LED). Light from light source 436 reflects off reflector 430 and is projected generally outwardly away from the vehicle...” Specification page 15, lines 7-10. The reflector described on page 15 of the specification corresponds with Figures 17-20. Note that in claim 2 the “reflector for directing light” is part of the approach light. Similarly, the reflector described on page 15 of the specification is also encompassed with the approach light assembly 422 as described in the specification and drawings. Applicant contends that the specification does adequately describe a “reflector for directing light” as presented in claim 2, therefore, Applicant respectfully requests Examiner to remove the objection to the specification.

### **Claim Objections**

Claims 3-5 and 16 have been objected to as to certain informalities. Claims 3 and 16 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

The Examiner has objected to claims 3-5 and 16. With respect to claim 3, Examiner objected to the claim stating “...it is unclear what Applicant intends by ‘mirror of claim 1 wherein said reflector is pivoted...for providing illumination.’ Claim 1 does not disclose **reflector**, but discloses reflective element which is nearer and nearer does not provide the illumination.” In response to Examiner’s objection, Applicant has amended claim 3 to be dependant upon claim 2. Claim 2 **does** set forth “a reflector for directing light.” Therefore, Applicant respectfully requests that Examiner remove the objection to claim 3 and all claims depending upon thereof since this claim amendment obviates the need for further objection. Furthermore, this claim amendment does not add any new matter to the specification or the claims as originally filed. Support in the specification

for a pivoting reflector can be found on page 15, lines 15-17, where it is states “[d]rive motor 448 displaces an output member 450 which engages, either directly or indirectly, reflector 430 in order to rotate reflector 430 about the pivot axis defined by upper and lower mounting tabs 332, 334.”

The Examiner’s objections to claims 4 and 5 are also now obviated since they were rejected because they were dependant upon claim 3.

Examiner objected to claim 16 stating that the claim should be dependant on claim 15 instead of claim 18. Applicant kindly thanks Examiner for pointing this out and Applicant amended the dependency of claim 16 so it is now properly dependant upon claim 15. Applicant respectfully requests Examiner to remove the objection to claim 16. Applicant respectfully submits that with these amendments, the informalities noted by the Examiner have been properly addressed and overcome.

### **Restriction Requirements**

The Examiner has withdrawn from consideration claims 19-29. Applicant agrees to remove these claims from the application upon allowance of the pending claims 1-18.

### **Rejection Of Claims 1, 3 and 4 Under 35 U.S.C. § 102(b)**

Claims 1, 3 and 4 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 5,497,306 (hereinafter ‘306 patent) issued to Pastrick.

The Applicant respectfully traverses the 35 U.S.C. §102(b) rejection of claims 1, 3, and 4.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. 35 U.S.C. § 102(b).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. § 112 ¶ 4.

With respect to the '306 patent, Examiner has pointed out that Figure 1 of the '306 patent discloses a vehicle mirror having:

- A mirror housing [34] containing a reflective element [28];
- An attachment portion [36, 38] attached to a vehicle for securing the mirror to the vehicle;
- Lights [30, 32] including a positional light source (abstract, lines 2-3).

With respect to claim 1 of the present application, the '306 patent fails to disclose "an approach light in said attachment assembly." In contrast, the '306 patent discloses "...a light module removably positioned **within the exterior mirror housing.**" '306 patent abstract, lines 2-3 [emphasis added]. Further review of the '306 patent makes it very evident that the invention is directed toward a light disposed inside of the mirror housing and not the attachment assembly. This is clearly shown in Figures 1, 4, 7, 21-28. More specifically, in Figure 1 and Figure 4 of the '306 patent lights 30, 32 are shown to be contained in the mirror housing 34. See col. 7, lines 33-51. Similarly, on Figure 7 lights 30, 32 are also depicted as being encompassed within the mirror housing 34. See col. 7, lines 62-65. Also, Figures 21-28 depict various views, including cross-sectional views of the lighting system 25 which includes the exterior mirror assembly 26. Each of these Figures shows a mirror housing 34 having the light module 104 disposed in the mirror housing 34. See col. 8, lines 25-59. Furthermore, the detailed description of the '306 patent describes "...an exterior mirror assembly 26 having a conventional reflectance element 28, a security light 30, preferably white, or clear, and a signal light 32, preferably red-orange, **incorporated in a housing, or casing, 34.** Casing 34 is

connected by a neck 36 to a stationary panel or sail 38 adapted for incorporation with a forward portion of the vehicle side window assembly..." '306 patent, col. 5, lines 5-11. Applicant asserts that it is quite clear that the '306 patent does not anticipate each and every element of claim 1 of the present application since the '306 patent only depicts the light assembly being part of the exterior mirror housing and not positioned within the attachment assembly.

Additionally, the '306 patent does not teach or disclose a positionable light source as set forth in claim 1. In fact, each embodiment disclosed in Pastrick '306 are fixed light sources rather than positionable as set forth in claim 1. This element of claim 1 likewise is not found in the Pastrick '306 patent.

In view of the foregoing, the Applicant respectfully submits that claim 1 defines over the art cited by the Examiner. Likewise, claims 3 and 4, which depend from claim 1, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(a) rejection.

#### **Rejection Of Claim 2 Under 35 U.S.C. § 103(a)**

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,497,306 to Pastrick in view of U.S. Patent No. 6,039,466 to Duchenne et al..

The Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of claim 2.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested

by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

Examiner's § 103(a) rejection relies primarily on the '306 patent (i.e., the Pastrick reference), Examiner stated that "Pastrick discloses (Fig. 8) the vehicle mirror having a lighting system including a lens housing (not indicated by number) disposed on the bottom of the mirror housing [34], a reflector [62] for directing light source and a light source [60a]." Examiner further stated that Pastrick is relied on since "Pastrick discloses the instant claimed invention except for reflector is movable within the housing."

Applicant contends that the Pastrick reference does not disclose the instant claimed invention whether taken alone or in combination with Duchenne. As set forth above the Pastrick reference fails to render obvious "an approach light in said attachment assembly" or a positionable light source in the attachment assembly as set forth in claim 1 of the present application. Applicant argues that Pastrick discloses "...a light module removable positioned within the exterior mirror housing." The Pastrick

reference abstract, lines 2-3. Furthermore, the detailed description of the Pastrick reference describes "...an exterior mirror assembly 26 having a conventional reflectance element 28, a security light, preferably white, or clear, and a signal light 32, preferably red-orange, incorporated in a housing or casing, 34. Casing 34 is connected by a neck 36 to a stationary panel of sail 38 adapted for incorporation with a forward portion of the vehicle window assembly..." '306 patent, col. 5, lines 5-11. The '306 patent only depicts a light assembly being part of the exterior mirror housing and not positioned within the attachment assembly as required by claim 1 of the present application. Furthermore, the '306 patent fails to provide the necessary teaching, suggestion, or incentive to modify the light assembly of the '306 patent so that it is housed within the attachment assembly. Since the '306 patent fails to disclose or suggest each element of claim 1, the § 103(a) rejection should be withdrawn since claim 2 is dependant on claim 1. Thus, the invention as defined in claim 1 is not rendered obvious by the '306 patent, and as we will see, nor does Duchenne and its teaching render the subject invention obvious.

Examiner also rejected claim 2 over Pastrick in view of U.S. Patent No. 6,039,466 issued to Duchenne et al. (hereinafter referred to as the '466 patent). The Office Action stated "[m]ovable reflectors are well known in the art automotive light industry and used to provide reflection of light being with different directions. Duchenne et al. disclose (Fig. 1) a vehicle headlight having a movable reflector (30). Adjusting device is provided for varying the orientation of the beam (Abstract, lines 5-8)." Applicant points out that the '466 patent does not teach or suggest incorporating the adjustable reflector within an attachment housing on a vehicle mirror. In fact, the '466 patent teaches only using the adjustable reflector in conjunction with a headlight or a

fog light on a vehicle. For example, the last line of the abstract of the '466 patent states "[t]he invention is applicable in particular to complimentary headlights such as long range driving lights or fog lights." Additionally, the discussion of the invention specification describes several objects of the invention which relate only to motor vehicle headlights, for example, it is stated that "[a]ccording to the invention the first aspect, a motor vehicle headlight, especially a complimentary headlight..." Col. 2 lines 23-24. See also col. 2 lines 53-58, col. 2 lines 59-65. The description of the embodiments section and the drawings only depict the reflector as being part of a headlight. Nowhere in the specification does the '466 patent teach or suggest that the reflector in a vehicle mirror such as Pastrick to provide the positional light source integrated with the attachment assembly of a vehicle mirror as set forth in the present invention.

In addition, the '466 patent fails to disclose or suggest combining the adjustable reflector in the same manner as described in the present application. Applicant asserts that the reflector in the '466 patent is not a **movable** reflector, but rather is an **adjustable** reflector. Claim 2 of the present application states in pertinent part "...wherein said reflector is movable within said housing for directing the light source for positioning in relation to predetermined inputs." Applicant contends that the reflector described in the '466 patent is not movable in relation to predetermined inputs. Rather, the reflector of the '466 patent has an adjusting device that includes a maneuvering member indicated at reference numeral 60 on Figs. 3-5. See col. 5 lines 44-46. This maneuvering member allows for manual adjustment of the reflective member which is facilitated through the insertion of an adjusting tool. See col. 5 lines 54-59. Applicant contends that the '466 patent describes an "adjustable" reflector and not a "movable"



reflector that moves in response to “predetermined inputs” as required by claim 2. Furthermore, the ‘446 patent only describes an adjustable reflector and does not teach or suggest a reflector that is movable in response to predetermined inputs. Thus, the invention as defined in claim 2 is not rendered obvious by the ‘466 patent whether taken alone or in combination with Pastrick.

In view of the foregoing, the Applicant respectfully submits that claim 2 defines over the art cited by the Examiner and respectfully requests withdrawal of the rejection. Likewise, claims 3, 4, which depend from claim 2, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

#### **Allowable Matter**

The Examiner has acknowledged that claims 5-18 would be allowable if rewritten in independent form so as include all of the limitations of the base claim and any intervening claims. Applicant kindly thanks the Examiner for indicating that these claims would be allowable. Applicant notes that claim 5 has been amended to include all of the subject matter of the underlying base claims. This amendment has not added any new matter and has only added the limitations of the underlying base claims. The remaining claims 6-18 are each dependant upon claim 5 and therefore would also be allowable.

#### **CONCLUSION**

It is respectfully submitted that in view of the above amendments and remarks the claims 1-18, as amended, are patentably distinguishable because the cited patents,

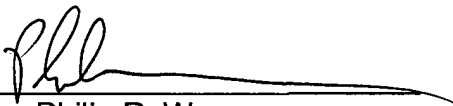
whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Please send all future correspondence relating to this application to Warn, Burgess & Hoffmann, P.C., P.O. Box 70098, Rochester Hills, MI 48307.

Respectfully submitted,

WARN, BURGESS & HOFFMANN, P.C.  
Attorneys for Applicant(s)

By:   
Philip R. Warn  
Reg. No. 32775

P.O. Box 70098  
Rochester Hills, MI 48307  
(248) 364-4300

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PRW:GLO:acw